UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/SR.20/Add.1
22 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 20th MEETING
(SECOND PART*)

Held at the Palais des Nations, Geneva,
on Monday, 11 February 1991, at 3 p.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

later: Mr. AMOO-GOTTFRIED (Ghana)

CONTENTS

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

---

* The summary record of the first part of the meeting appears as document E/CN.4/1991/SR.20.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-10699/2896B

CONTENTS (continued)

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

(b) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

Question of the realization of the right to development (continued)

Status of the International Covenants on Human Rights (continued)

Effective functioning of bodies established pursuant to United Nations human rights instruments (continued)

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued) (E/CN.4/1991/11; E/CN.4/1991/NGO/6, 7 and 12; E/CN.4/Sub.2/1990/19)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1991/12; E/CN.4/1991/NGO/6, 7 and 10; E/CN.4/1990/9/Rev.1)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/C.12/1988/1; CCPR/C/2/Rev.2; A/45/403; A/RES/45/135)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (E/CN.4/1991/46; A/45/636; A/RES/45/85 and 88)

1. Mr. LEMINE (Mauritania) said that although the international community's earlier tendency to attach greater importance to civil and political than to economic, social and cultural rights had been largely corrected, and despite the fact that a comprehensive arsenal of legal instruments was now available to enable mankind to progress towards the common goal of general well-being for all, a great deal still remained to be done, especially in the developing countries, whose economic situation was extremely difficult. The debt burden, aggravated by development strategies which were sometimes inappropriate and by structural adjustment programmes which all too often neglected the social dimension of development, meant that hundreds of millions of individuals in several continents were faced with problems of sheer survival. Notwithstanding the principle of indivisibility of human rights, the enjoyment of civil and political rights could have little meaning for persons marginalized by extreme poverty and thus precluded from participating freely and responsibly in the development of their society.

2. The total contrast between the opulence of some countries and the utter destitution of others was an affront to the conscience of mankind as well as a threat to international peace and security. The Charter of the United Nations, as well as various international human rights instruments and declarations adopted by the General Assembly and other world forums, made it incumbent upon all nations to co-operate with a view to ensuring development and creating the conditions necessary for the effective enjoyment of all human rights. The universality of human rights was conditional upon international co-operation. The attainment of the goals set forth in the Declaration on the Right to Development adopted by the General Assembly at its forty-first session presupposed action not only at the national level, where States had to ensure that human rights were fully incorporated in their

development models without being subordinated to economic or financial considerations, but also, and more especially, at the international level through the establishment, on the basis of international co-operation, of a just and equitable new international economic order.

3. Mr. CHABALA (Zambia) said that the indivisibility and interdependence of human rights were clearly attested by the documents before the Commission and, in particular, by the chapter on the question of extreme poverty of the progress report on the realization of economic, social and cultural rights prepared by the Sub-Commission's Special Rapporteur, Mr. Türk (E/CN.4/Sub.2/1990/19).

4. His delegation took the view that the Commission should encourage the formulation of disaggregated and reliable indicators which would, inter alia, serve to measure progress and change within and between States over time and would also provide a method for identifying problems encountered by States in the fulfilment of economic, social and cultural rights. His delegation therefore supported the Special Rapporteur's preliminary recommendation to the effect that the Commission should request the Secretary-General to organize a seminar to consider the question of appropriate indicators. It also supported the suggestion that the Special Rapporteur should be invited to prepare a second progress report giving particular attention to the question of realization of economic, social and cultural rights in the context of structural adjustment and to the question of the role of international financial institutions in the realization of those rights. In that regard, the Special Rapporteur should, with the assistance of the Secretary-General, continue his direct contacts with the international financial institutions, notably the World Bank and the International Monetary Fund, and with the relevant departments at United Nations headquarters in New York. The significance of that suggestion derived from the negative impact of conventional structural adjustment programmes on the social and human situation of the populations of developing countries and particularly of their most vulnerable and disadvantaged sectors, a problem which had in large measure inspired recent studies such as the UNICEF paper on Adjustment with a Human Face: Protecting the Vulnerable and Promoting Growth and the UNDP Human Development Report 1990. The Commission should ensure that economic, social and cultural rights were fully taken into account by United Nations agencies, international financial institutions and other bodies in their decision-making, programming and project implementation.

5. Progress in the realization of economic, social and cultural rights in developing countries had been adversely affected by the acute economic and financial difficulties facing those countries and, in particular, by the traumatic impact of the debt crisis on the supply and distribution of resources. The realization of economic, social and cultural rights had to be seen in a comprehensive and holistic framework. That was also how his delegation viewed the question of the right to development, whose effective implementation could only be assured by the establishment of a new international economic order based on equity, equality and genuine partnership. The full realization of the right to development as defined in the Declaration on the Right to Development would ensure the implementation of human rights and the participation of the people as the central subject and beneficiary of that right. At the regional level, that was the principal aim of the African Charter for Popular Participation in Development and Transformation. It was

also the essence of the conclusions of the global consultation on the realization of the right to development as a human right held in January 1990, the report on which (E/CN.4/1990/9/Rev.1) was one of the documents before the Commission.

6. Mr. RÖNQUIST (Sweden), stressing the need for the Commission to devote more attention to economic and social rights, said that it was encouraging to note the activities carried out in that field by the Sub-Commission and especially by its Special Rapporteur, Mr. Türk, as well as by the Committee on Economic, Social and Cultural Rights. In that connection, he referred specifically to the general comment on article 2 of the International Covenant on Economic, Social and Cultural Rights adopted by the Committee at its fifth session (E/C.12/1990/CRP.5/Add.4). The need for international assistance and co-operation in the context of the full realization of economic and social rights, which was one of the points raised in the general comment, also formed one of the basic elements in the Convention on the Rights of the Child adopted by the General Assembly at its forty-fourth session.

7. With regard to the question of the realization of the right to development, he drew attention to the comments from his Government reproduced in the comprehensive report of the Secretary-General prepared in accordance with Commission resolution 1990/18 (E/CN.4/1991/12, p. 3). His delegation attached great importance to respect of human rights in the development process and considered it appropriate that the recommendation contained in the report on the Global Consultation on the right to development prepared by the Secretary-General pursuant to Commission resolution 1989/45 (E/CN.4/1990/9/Rev.1) should be taken into account by all United Nations humanitarian bodies. In that connection, his delegation welcomed the idea put forward in the introductory statement by the Under-Secretary-General for Human Rights that the Centre for Human Rights should convene an inter-agency conference in order to enhance the dialogue within the United Nations system on ways of integrating human rights in the development process, and also supported the proposal to strengthen the dialogue between the Centre and non-governmental organizations in developing countries.

8. His delegation would, as it had done in the previous two years, submit a draft resolution on the status of the International Covenants on Human Rights, whose twenty-fifth anniversary was to be commemorated in New York on 16 December 1991. It urged those States which had not yet ratified the Covenants to take the necessary steps in order to become parties to them as soon as possible. The argument was sometimes advanced that to accede to the Covenants was less important than to respect their provisions in practice. In his delegation's view, the two positions were not mutually exclusive, and it was incumbent upon States both to respect and implement human rights standards at the national level and to make their commitment to human rights an international treaty obligation. The individual's right to have recourse to effective remedies at the international level was of fundamental importance, and States should therefore be encouraged to recognize the individual complaints procedure under the Optional Protocol to the International Covenant on Civil and Political Rights. With regard to the Second Optional Protocol to the Covenant, he said that Sweden, which had been the second State to ratify the Protocol, urged other States which had abolished the death penalty to accede to the Protocol so that it might soon enter into force. The Protocol could also serve as an incentive for States which had not yet abolished

capital punishment to consider doing so. In that connection, his delegation noted with special satisfaction recent measures taken towards the abolition of the death penalty in several countries, inter alia, in southern Africa and in Central and Eastern Europe.

9. Turning to the report of the third meeting of persons chairing the human rights treaty bodies (A/45/636), he drew particular attention to the conclusions and recommendations contained in paragraphs 51, 60, 66, 68, 69 and 73 of the report. With regard to the comprehensive technical reviews and adequate travaux préparatoires recommended by the meeting in connection with the drafting of new instruments (para. 31), he referred to work currently in progress on finalizing a compilation of the preparatory work on the Convention on the Rights of the Child at the Centre for Human Rights in co-operation with Rädda Barnen, the Swedish Save the Children.

10. In conclusion, he said that effective functioning of the treaty bodies could not be achieved unless adequate resources were provided for their activities. The resources of the Centre for Human Rights should therefore be increased.

11. Mrs. GALVIS (Colombia) said that attention had been drawn at various human rights forums to the unity of the two generations of human rights, based on the fundamental correlation between the exercise of civil and political rights and the existence of economic, social and cultural rights. The elimination, once and for all, of all forms of discrimination and its replacement by equal opportunities for all and full participation by all members of the community in decisions of mutual interest was a prerequisite for the exercise of economic, social and cultural rights. That was the major aspiration of society at the present time, and the ultimate objective of the Commission was to secure the full enjoyment of the Covenants approved and accepted by the international community, while Governments were responsible for establishing conditions for the realization of those aims in their own countries.

12. Both the domestic and international economic structures and political and cultural régimes were essential factors in determining the social dynamic by which the commitments entered into under the international instruments were to be attained. Economic, social and cultural rights were unquestionably more advanced in the developed countries than in the developing ones. Accordingly, the development model adopted by a country was decisive in ensuring the applicability of both generations of human rights.

13. An overview of economic development in Latin America would help to grasp the background against which the possibility of achieving economic, social and cultural rights could be understood.

14. The Economic Commission for Latin America and the Caribbean (ECLAC) had described the 1980s as characterized by: debilitated political institutions; an adjustment policy entailing extremely high social costs, for the most part borne by the lower-income groups; a decline in the dynamism of economies and a deterioration in levels of social equity. The challenge facing the countries of Latin America was to identify a development model that would permit them to overcome the economic crisis and simultaneously to provide a response to a whole range of social needs: democracy had to be consolidated and grass-roots

participation extended, with greater social justice; economic stabilization had to be achieved through measures such as technological modernization, the struggle against unemployment, modernization of the public sector and more equitable income distribution, while taking the necessary measures to preserve the environment.

15. While ECLAC had pointed to the importance of domestic factors in restoring macro-economic equilibrium, there were also external circumstances whose impact was decisive. The most important were the opening up of international markets, the external debt burden, opportunities of immediate access to technology and the scientific training necessary to promote new modes of production capable of competing on the international market. In the international sphere, there were other factors such as drug consumption and the traffic in arms, that determined the institutional stability of a number of countries in the region, and were responsible for much of the violence that had weakened national institutions.

16. With ECLAC's overview in mind, she pointed out that the unity between the two generations of rights was mirrored by the need for unity of action directed at the domestic and external factors that determined the environment in which those rights were to be achieved, and which led necessarily to the joint responsibility of the international community to establish conditions in which the whole range of human rights contained in the International Covenants could be attained. The commitment of the Governments of the developing countries had to be matched by a commitment on the part of the industrialized countries to improve the conditions of international co-operation, to eliminate those factors that prevented compliance with obligations and to contribute to stimulating development models within which human rights could be fully exercised.

17. The first step was recognition of the right to development as one of the human rights of individuals, groups and countries and as the expression of a universal commitment by the poor countries to accept responsibility for achieving a standard of living to which all human beings were entitled, and by the developed countries to focus their policies on facilitating that process.

18. Lastly, she said that the Committee on Economic, Social and Cultural Rights had embarked on a commendable supervisory task in its analysis of country reports submitted under the Covenant. However, that task was restricted to examining domestic factors; the Committee should also be empowered to consider external conditions and to make recommendations in order to improve the international order, so as to strike a proper balance between its functions and those of the other supervisory bodies established pursuant to the International Bill of Human Rights.

19. Mr. MEZZALAMA (Italy), speaking first on agenda items 7 and 8, welcomed the increased opportunities extended to the Commission to discuss problems of crucial importance to the stability of the international community and co-operation among its members, such as the right to an adequate standard of living, foreign debt, the influence of popular participation on the development process, and the right to development itself. Recent substantial improvements in the international climate had favoured the process of democratization and enlarged the area for co-operation. Major efforts should be made to ensure that the favourable situation which had proved so beneficial

to civil and political rights was also extended to economic, social and cultural rights. Unfortunately, the situation with regard to the realization of the latter category of rights was far from satisfactory. To hold the wealthy countries entirely responsible for that situation would be a futile exercise; external assistance could not compensate for inappropriate domestic policies and structures in developing countries. All nations partook of a common responsibility. What was needed was a new, broader perspective and a more mature awareness of the connection between economic development, social progress and peace. In that connection, he referred to a report on foreign debt which Mr. Craxi, a former Italian Prime Minister, had prepared at the request of the Secretary-General and expressed the hope that it would contribute towards a joint appraisal of debt problems which were affecting many developing countries and impeding full enjoyment of human rights. The situation called for innovative and pragmatic approaches not only in tackling specific topics such as foreign debt but also in strengthening, with generosity and understanding, the link between economic and social questions on the one hand and human rights issues on the other.

20. Turning to agenda items 17 and 18, he said that the system of reporting on the compliance by States with international obligations in the field of human rights had, for a number of years, faced serious problems. In that connection, he expressed his delegation's deep satisfaction with the initiatives which had led to the third meeting of persons chairing the human rights treaty bodies, the report on which (A/45/636) was before the Committee. Such meetings should be encouraged further and should be held on a periodic basis. His delegation noted with interest the consolidated guidelines for the initial part of the reports of States parties contained in the appendix to the report, and looked forward to the publication of the manual on reporting referred to in paragraph 66 of the report. The process of rationalization should be studied and applied both in the drafting of national reports and in the activities of ad hoc bodies. A great deal of effort could be avoided if agreement were reached on a uniform standard for national reports. Computerization was clearly a necessity in that connection. His delegation, which had been one of the first to point out the benefits of computerizing the work of the Centre for Human Rights and of various monitoring bodies, expressed appreciation of the preliminary studies carried out, as reported by the Secretary-General in document E/CN.4/1991/46, and would strongly support any initiative which might accelerate the execution of the programme envisaged by the Task Force on Computerization.

21. Mr. STIGLICH (Peru) said that if some widely-voiced opinions were to be believed, civil and political rights were the only rights that deserved consideration as legitimate human rights, and economic, social and cultural rights, together with the right to development were merely the ugly ducklings of the human rights family. Such a view led to the conclusion that development was an objective that depended on respect for individual rights and civil liberties.

22. While there was no doubt that the attainment of economic, social and cultural rights and of the right to development were objectives, they were something more. They were obligations of the State towards its citizens. That should not be interpreted as meaning that States had an obligation to provide each individual with everything he needed to achieve a standard of living in keeping with his dignity. That would be neither desirable nor

possible. However, States had an obligation to establish the necessary social and economic conditions, by means of political and legal measures, to allow individuals to achieve, through their own work, everything they needed to enjoy a decent standard of living.

23. However, the question arose as to whether the efforts made by States alone, and particularly by developing States, were sufficient to achieve such conditions. Clearly, a developing State could decide which domestic adjustments to effect, but its decisions would have scant or no impact within an international economic system that reflected the interests of the most advanced and powerful economies. It was for precisely that reason that one of the purposes of the Charter of the United Nations was to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting respect for human rights and for fundamental freedoms. It was essential that the economic Powers should contribute to establishing an environment which, combined with each State's domestic adjustment efforts, would allow the developing countries to attain the right to development.

24. While economic, social and cultural rights were distinct from civil and political rights in so far as they related to different aspects of human nature, they could only be viewed as part of a single and indivisible whole. They had much in common since both sets of rights required political will and the necessary resources to ensure compliance with the obligations ensuing from them.

25. While no direct financial cost was involved in guaranteeing the right to vote, considerable amounts of money were necessary to establish and maintain a satisfactory and efficient electoral authority to guarantee that the right to vote could be effectively exercised throughout a country. An effective Judiciary, with a properly developed infrastructure, also required considerable resources, as did an efficient police force, sufficiently well-paid to avoid corruption. An adequate transport and communications network in order to allow individuals to work, invest and create wealth was also expensive to maintain.

26. It was important to avoid the mistaken conclusion that the full realization of human rights merely depended on the promotion, through passive recognition by the State, of civil and political rights. Nor should the necessary action by the State be confused with excessive State intervention. However, it would also be wrong to conclude that only economic, social and cultural rights should be promoted, or that promotion of civil and political rights had to await the attainment of the former. Both sets of rights should be simultaneously promoted, in so far as they were indivisible and interdependent, and those who asserted or assumed that economic, social and cultural rights were a substitute for civil and political rights, or that the latter should be sacrificed in the name of the former, were on the wrong track. Indivisibility underscored the fundamental unity of human rights as a whole, and reflected the fundamental unity and dignity of human nature and, while interdependence pointed to the impossibility of realizing one category of rights without simultaneously attaining the other. In other words, human rights could only be fully and effectively achieved jointly and simultaneously.

27. Mr. AMOO-GOTTFRIED (Ghana) said that his delegation, like many others, believed that the achievement of respect for human rights was conditional upon the realization of the right to development, and shared the view that all human rights and fundamental freedoms were indivisible and interdependent. As the Under-Secretary-General had rightly pointed out in his introductory statement, much remained to be done to improve the promotion of economic, social and cultural rights, which were of paramount importance for the full realization of human dignity. Most of the world's developing countries, caught up in an international economic system which continued to suffer from structural imbalances, were faced with problems such as hunger and malnutrition, abject poverty, illness, illiteracy and lack of adequate shelter. For millions of people around the world, the conditions of life continued to deteriorate. The situation should be seen as a challenge to the international community to reform an international economic order not only unjust but actually hostile to developing countries.

28. Experience had shown that poverty jeopardized the human rights of the most vulnerable groups of the world's populations; for as long as social and economic disparities between nations continued to widen, durable peace would remain elusive. There was urgent need for international co-operation in the development field. Since most developing countries lacked the means to undertake development efforts single-handedly, it was essential that the international community should demonstrate as much commitment to the promotion of economic, social and cultural rights as it had done to the promotion of civil and political rights.

29. The realization of the right to development also depended on the eradication of other obstacles such as racism, external destabilization activities, foreign aggression and occupation. The much-heralded new world order had to be based upon mutual respect for States, peaceful coexistence, equality, non-interference in the internal affairs of others and greater international co-operation.

30. Mrs. RADIC (Yugoslavia), speaking on agenda items 7 and 8, said that the adoption of the Declaration of the Right to Development at the forty-first session of the General Assembly had marked an important step towards the realization of one of the purposes of the Charter as set forth in paragraph 3 of Article 1, and was also in line with Article 55 (a) and (b). The Declaration represented a significant contribution to the concept of human rights as a whole and laid the foundations for the integration of the human rights concept into the planning, execution and evaluation of development projects. However, it would be idle to speak about human rights while ignoring the fact that much of mankind was plagued by a serious debt crisis, monetary instability, unemployment and growing poverty which bred disruption, political instability, tensions and frustration and stalled the developing countries' efforts to embark upon economic recovery and create conditions in which human rights and democracy could be fully enjoyed.

31. The most important activity of the United Nations since the adoption of the Declaration on the Right to Development had been the holding of the global consultation on the right to development in Geneva in January 1990. Yugoslavia supported the conclusions and recommendation emerging from the global consultation (document E/CN.4/1990/9/Rev.1, chap. VII). It considered that the Commission's work on the question on the right to development had

entered a phase in which the implementation issue was of central importance. The need for co-ordinated action and for the establishment of an evaluating mechanism to ensure the promotion of the right to development should be reaffirmed. Her delegation also supported the idea of appointing a high-level committee of independent experts with relevant experience in human rights and development, to report annually to the General Assembly through the Commission on Human Rights and the Economic and Social Council, on progress made in the implementation of the Declaration (para. 194 of the report).

32. Her delegation had embarked upon consultations with the most interested delegations to the Commission concerning a draft resolution on the right to development, and hoped that all other countries would join it in a common attempt to produce a consensus resolution, as at the previous session. It had also prepared a draft resolution on popular participation, based upon the study in document E/CN.4/1991/11. The study represented a valuable contribution to the Commission's work at the current session, and her delegation took the view that the Secretary-General should update it for consideration by the Commission at its forty-ninth session in 1993. Her delegation also welcomed the progress report on the realization of economic, social and cultural rights prepared by the Sub-Commission's Special Rapporteur, Mr. Türk (E/CN.4/Sub.2/1990/19). That document, too, represented a valuable contribution to the Commission's work and could constitute the basis for a further useful research on the topic.

33. Mr. Amoo-Gottfried (Ghana) took the Chair.

34. Mrs. QUISUMBING (Philippines) said that despite the international community's heightened awareness and commitment to address the individual's right to development, more than two thirds of the world's population were still destitute. In many developed countries it was perhaps taken for granted that everyone could attain economic equality, and attention was therefore focused on political rights. In the developing countries, however, human development in all its aspects - economic, social, cultural and political - was viewed as a single unified process coextensive with the nation's life as a whole, and also as the collective responsibility of the entire community of nations. Economic development programmes in her country were inspired, governed and validated by concern for the individual. The Philippine Government was irrevocably committed to the aim that everyone should have a gainful occupation so as to provide himself and his family with a standard of living that was not only adequate but dignified. It was therefore with great anguish that her Government saw its development prospects compromised by the most devastating problem at present facing many developing countries, that of an onerous foreign debt burden. The prevailing conventional approach to the problem and the "Brady Plan" might have averted the collapse of the international financial system, but the promised benefits of faithful adherence to that approach by the deeply indebted developing countries had failed to materialize. None of those countries had received adequate new money flows, and none had returned to normal access to the international capital market or enjoyed a brisk and sustained economic recovery. Instead, a paradoxical situation had emerged whereby those countries had become net capital exporters instead of net recipients of capital flows. The development programmes of middle-income indebted countries had been put on hold until the creditor commercial banks had fully recovered and rebuilt their capital basis. The stringent adjustment programmes prescribed by international

financial institutions had exacted a heavy toll on the debt-ridden developing countries' economic growth. In most cases, the heavy social costs stemming from falling incomes and living standards, increased unemployment and swelling poverty had weakened the political sustainability of adjustment programmes. The most deleterious human costs, however, such as malnutrition which blighted the bodies and minds of future generations, might never be captured in standard economic statistics.

35. The only possibility of reversing that trend lay in international co-operation. Recalling that after the Second World War, creditors had condoned the heavy debts of several western European countries in the context of post-war economic reconstruction programmes, she stressed the urgent need which existed at the present stage for development programmes on both the national and international levels, without which the international community's commitment to human rights was in danger of becoming a farce.

36. Referring more particularly to agenda item 17, she said that her Government had welcomed the adoption by the forty-fifth session of the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the latest addition to the standard-setting human rights documents of the United Nations. Its early entry into force would undoubtedly benefit the millions of migrant workers all over the world, including many thousands of Filipino overseas workers. As the Commission continued its work on the elaboration of standards for human rights protection, it should not lose sight of the need to work for the universal ratification of the International Covenants on Human Rights. Her delegation welcomed the general comment recently adopted by the Committee on Economic, Social and Cultural Rights (E/C.12/1990/CRP.5/Add.4) which reiterated the principle that the two sets of rights - economic, social and cultural on the one hand, civil and political on the other - were indivisible and interdependent. It hoped that continuing dialogue on that basic issue, in particular at the proposed world conference on human rights, would result in the Covenants becoming universally applicable.

37. Lastly, with regard to item 18, she said that the Philippines, as a State party to some 43 human rights-related instruments, including the six human rights treaties which had established their own respective mechanisms for monitoring State compliance, attached great importance to the effective implementation of United Nations instruments on human rights and particularly to the effective functioning of bodies established pursuant to such instruments. Her delegation endorsed the conclusions and recommendations of the third meeting of persons chairing the human rights treaty bodies which had met at Geneva in October 1990 (A/45/636), and, in particular, those contained in paragraphs 53, 60 and 67 of the report on the meeting. The Philippines joined other delegations in emphasizing the need to make adequate financial and human resources available for the Centre for Human Rights, which serviced all the treaty bodies.

38. Mrs. SANTOS PAIS (Portugal), speaking on agenda item 7, stressed the importance which her delegation attached to the work of the Committee on Economic, Social and Cultural Rights and noted with satisfaction that at its fifth session in December 1990 the Committee had adopted general guidelines for reporting by States parties (E/C.12/1990/CRP.4/Add.11) as well as a general comment on article 2 (i) of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1990/CRP.5/Add.4). Referring to the

progress report on the realization of economic, social and cultural rights prepared for the Sub-Commission by its Special Rapporteur, Mr. Türk (E/CN.4/Sub.2/1990/19), and in particular to the question of social and economic indicators dealt with in its Chapter I, she noted that the Committee on Economic, Social and Cultural Rights had decided to devote a whole day of its sixth session to a general discussion of that topic. Her delegation supported Mr. Türk's recommendation for the holding of a seminar under the United Nations Programme of Human Rights Activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights (E/CN.4/Sub.2/1990/19, para. 220 (a)).

39. With regard to the question of extreme poverty, which formed the subject of Chapter III of the progress report, she noted that the Sub-Commission had decided, in accordance with the recommendation in paragraph 220 (c), to invite one of its members to draw up a plan of work for a study on that question. In that connection, she stressed the importance which her delegation attached to the elaboration of a precise definition of the concept of extreme poverty with a view to defining the distinction between the right to existence and the right to mere survival.

40. Mr. KRENKEL (Austria), speaking on agenda items 7 and 8, referred to the work done by the Committee on Economic, Social and Cultural Rights at its fifth session. With regard to sub-item 7 (b) on popular participation, he noted the importance which was attached to the concept of popular participation in the context of freedom of association in the report on the global consultation on the right to development (E/CN.4/1990/9/Rev.1).

41. Notwithstanding the adoption of the Declaration on the Right to Development by the General Assembly at its forty-first session, the international community was still divided with regard to the precise definition of that right. The right to development could not be viewed as the right of individual citizens to claim full economic and social support and guarantees by their country and to invoke that right before national legal institutions. Adequate development could not easily be measured or defined objectively, given current social and economic inequalities and phenomena such as extreme poverty, hunger and homelessness in many parts of the world. Furthermore, the degree of development differed considerably not only among but also within States or smaller entities. Rather, the right to development had to be seen in the broader perspective of responsibility on the part of mankind as a whole to resolve economic and social inequalities, strengthen international co-operation and facilitate the establishment of a balanced, equitable and just world order. National as well as international development policies and programmes should take into account and reflect the need for full respect for human rights as a major element in a complex and comprehensive development process. The search for criteria in order to measure progress in the realization of the right to development and for appropriate mechanisms for measuring, identifying and promoting such progress required the elaboration of a system of indicators. Treaty bodies, and especially the Committee on Economic, Social and Cultural Rights should take those aspects of the right to development into account in formulating general comments and in reviewing reports of States parties. In addition, United Nations bodies in related subject areas should address the right to development in the context of their respective mandates. The suggestions for the future implementation of the

right to development contained in the report on the Global Consultation were both interesting and useful. Likewise, the preliminary recommendations contained in the progress report by Mr. Türk (E/CN.4/Sub.2/1990/19), and in particular the recommendation for closer involvement of specialized agencies, the international financial institutions and the Department of International Economic and Social Affairs contained in paragraph 219 of the report, should contribute towards establishing a clearer picture with regard to the role of the protection and promotion of human rights in the overall development process.

42. Mr. OGURTSOV (Observer for the Byelorussian Soviet Socialist Republic), speaking on agenda item 7 and referring specifically to chapter I of the progress report prepared for the Sub-Commission by Mr. Türk, Special Rapporteur (E/CN.4/Sub.2/1990/19), noted that it made no mention of the environment factor which, since the Chernobyl disaster, had assumed primary importance in his country. Seventy per cent of the fall-out from the accident had fallen on Byelorussia, contaminating a third of the Republic's territory and affecting a fifth of its population, i.e. 2,200,000 persons including 800,000 children. The effects of the accident on the population's health were far worse than had been foreseen by scientists both inside and outside the Soviet Union. The rate of occurrence of diseases such as cancer and leukaemia, although not expected to peak until 1994-1996, had already risen sharply, especially among children. It was feared that the point would soon be reached beyond which the nation's genetic pool was threatened by extinction. New areas of radiation damage continued to be identified, and decontamination was failing to yield the desired results; traces of radionuclides in the human organism had been detected even in so-called "clean" areas. Psychological tensions were growing; chaotic migration from contaminated areas had begun, and even organized resettlement efforts were running into economic, social and psychological difficulties. Faced with such emergency conditions, the Republic's Parliament and Government had taken and were continuing to apply various urgent emergency measures. A draft Act providing for social protection of citizens affected by the Chernobyl disaster was currently under consideration by the Supreme Soviet of the Byelorussian SSR, and a social welfare fund designed to develop international co-operation in the elimination of sequels of the accident had been established under the name of "Byelorussia". The financial and economic cost of the Republic's struggle for survival was enormous; economic losses alone amounted, in absolute figures, to over 100,000 million roubles, the equivalent of a shortfall corresponding to eight annual national budgets. Those were the difficult conditions with which his country was confronted in connection with the realization of economic, social and cultural rights.

43. Mr. MBARUSHIMANA (Observer for Rwanda), speaking on agenda items 7, 8 and 17, said that his country had ratified both International Covenants and was faithfully fulfilling all obligations arising from them. Its periodic reports under both Covenants testified not only to its full compliance with international obligations but also to the efforts made by his Government at the national level to ensure the promotion and protection of all human rights in Rwanda. The principles of the Universal Declaration of Human Rights and of the Covenants were reflected in his country's Constitution, legal codes and national plans for economic, social and cultural development.

44. Unfortunately, Rwanda's development policies, aimed at self-sufficiency in food production and the provision of a universal health service, had not yet yielded the desired results. Despite strict economic controls and a certain amount of external aid, Rwanda, like most other developing countries, was suffering the full effects of the world economic crisis, especially the increasing debt burden and the sharp drop in the prices of coffee and tea, its principal export products. Those constraints, together with climatic and other factors of a more local nature, had seriously slowed down his country's development effort. The country's future in the economic field would largely depend on the quality and quantity of the international community's support. As for the political field, it should be noted that a referendum on the amendment of the Constitution and the establishment of political parties and organizations was to be held in 1991. Notwithstanding the continuing separatist activities of certain minority groups nature, peace, development and human rights formed the corner-stone of Rwanda's internal policy.

45. Ms. BILKEY (Observer for New Zealand) said that the systematic violation of human rights carried out by the Government of Iraq, a member of the Commission and a party to the Covenant on Civil and Political Rights, was an outrage. Flagrant violations of that type should strengthen the determination of the international community at large and of the Commission in particular to achieve their goal of universal respect for the Covenants. Accession to the Covenants had to be accompanied by a serious commitment to observe their provisions. Greater social justice could only be achieved by Governments striving to ensure full enjoyment of civil and political rights for all their citizens as well as more equitable enjoyment of economic, social and cultural rights. While there was a steady trickle of States becoming parties to the Covenants, the total number of parties was still below two thirds of the United Nations membership. The proposed 1993 world conference on human rights could serve as a useful target date for States which had not yet become parties to the Covenants to do so. Appealing to States also to become parties to the First Optional Protocol to the Covenant on Civil and Political Rights, she commended the non-governmental organizations for their vigilance in ensuring that the monitoring committees, as well as the Commission, were well informed of the human rights situation in all parts of the world. She also urged States to give urgent consideration to becoming parties to the Second Optional Protocol on the abolition of the death penalty.

46. It was her delegation's well-recorded view that, apart from work being done in the Working Group on Indigenous Populations in connection with the elaboration of a declaration on indigenous rights, the major focus of United Nations human rights bodies should now be on the implementation of existing instruments. In order to increase awareness the Covenants in the South Pacific region, a human rights seminar hosted by the Cook Islands had been held in Rarotonga in November 1990. Her Government, which had contributed to the holding of the seminar, welcomed the positive involvement in it of the Centre for Human Rights. Greater use could be made of regional approaches in order to promote human rights more widely.

47. The regular meetings of persons chairing the human rights treaty bodies provided a useful forum for the cross-pollination of ideas and experience. In commending the meetings held thus far for their efforts to streamline and refine their work and to ensure ongoing contacts, her delegation wished to suggest that they might begin considering the type of contribution they could make to the proposed world conference of 1993. Referring to the report of the

third meeting, held in October 1990 (document A/45/636), she noted with satisfaction that the manual on reporting drawn up by UNITAR in co-operation with the Centre for Human Rights would be published shortly, and also welcomed the consolidated guidelines for the preparation of the initial part of reports appearing in the appendix to the report. Presentation of reports should not be mere window-dressing but rather a constructive dialogue between the State concerned and the Committee. Full information from both Governments and alternative sources should be available to the Committee, and it was desirable that at least one member of the Committee should have a thorough knowledge of the situation in the State concerned. Her Government had found the presentation of its report (CERD/C/184/Add.5) to the Committee on the Elimination of Racial Discrimination in August 1990 a challenging and fruitful experience. In conclusion, she stressed the need for urgent attention to the resource constraints under which the Centre for Human Rights had to operate, and endorsed the recommendation for more adequate funding and staffing.

48. Mrs. TEEKAMP (Observer for the Netherlands) said that her delegation welcomed the joint initiative by the Under-Secretary-General for Human Rights and the Administrator of the United Nations Development Programme concerning co-operation on the human rights dimension of development projects between UNDP and the Centre for Human Rights, and it wholeheartedly supported the idea of convening an inter-agency consultation to explore the integration of human rights elements in development activities. One of the issues which the proposed inter-agency consultation might usefully take up was that of indicators for assessing progress in the realization of the economic, social and cultural rights. One of the interesting preliminary conclusions on that subject reached by Mr. Türk in his report to the Sub-Commission (E/CN.4/Sub.2/1990/19) was that indicators could assist in determining violations of economic, social and cultural rights. That was especially true with regard to the non-discrimination clauses of the Covenant and the obligation to realize those rights progressively over time. Another topic which might be added to the inter-agency consultation's agenda was the follow-up on recommendations by the Committee on Economic, Social and Cultural Rights to the appropriate United Nations organs in connection with effective progressive implementation of the Covenant.

49. Referring to the conclusions of the global consultation on the right to development as a human right (E/CN.4/1990/9/Rev.1), she noted that in one conclusion democracy was seen as an essential element in the realization of the right to development and that respect for civil and political rights was considered a factor of importance to economic and social development and as such should be an objective of development activities. The United Nations system might take advantage of the long experience of the Human Rights Committee in dealing with country reports in order to assess the problems and difficulties encountered by countries in implementing civil and political rights.

50. Her delegation welcomed the report of the third meeting of persons chairing the human rights treaty bodies (A/45/636) and particularly endorsed the recommendation contained in paragraph 58 of the report that the meeting should be institutionalized, if possible on an annual basis, as well as that contained in paragraph 53 to the effect that all treaty bodies should be financed from the United Nations regular budget. Until the appropriate procedures were completed, solutions might be found by advancing funds on a

temporary basis and by establishing a contingency reserve fund for the Committee on the Elimination of Racial Discrimination. Her delegation also endorsed the suggestion in paragraph 57 of the report that certain members of each treaty body should be appointed to follow developments in one of the other treaty bodies and to report thereon to his or her own Committee. It would also welcome it if other arrangements for innovative mutual information were extended to other relevant United Nations bodies. With regard to difficulties encountered in facilitating the necessary type and level of interaction with the Committee on the Elimination of Discrimination Against Women owing to present institutional arrangements, she said that her delegation attached great importance to women's rights as an integral part of human rights, and would therefore be willing to support proposals for an evaluation of the situation of that Committee and for possible measures to prevent its becoming isolated from the United Nations human rights system as a whole.

51. Stressing the importance of the submission of adequate and timely reports for the effective implementation of international human rights instruments, she noted with satisfaction that collaboration between UNITAR and the Centre for Human Rights was about to result in the publication of a manual on human rights reporting (para. 66 of document A/45/636). UNITAR was also, at the request of the Centre for Human Rights, organizing a training course on human rights reporting for 17 countries in North Africa and the Middle East. Her Government welcomed that initiative and would contribute $US 75,000 to the project. In view of the importance of the establishment of a computerized data base to improve the efficiency and effectiveness of the functioning of the treaty bodies (para. 60 of the report), her Government would consider making a contribution to the Centre for Human Rights for that purpose.

52. Mrs. SPASIC (Yugoslavia), speaking in the exercise of the right of reply, said that the representative of the International Federation for Human Rights had used the opportunity offered to him to address the Commission on agenda item 8 in order to advance the position of the Albanian separatist and terrorist movement which continued to pursue its illegal activities in her country. In submitting a long statement on the economic situation in the Autonomous Province of Kosovo and Metohija, the representative of the International Federation of Human Rights had clearly intended to misinform the Commission and to accuse Yugoslavia of discriminating against its citizens of Albanian origin. Yugoslavia was a multinational community, a multi-party society and a State ruled by law whose record of non-discrimination on national or any other grounds was well known. Political activity was free, the number of political parties running into three figures, and the law did not restrict the freedom of speech. The country was currently undergoing a process of political and economic reform which inevitably created social problems for all citizens, including those of Albanian origin. The economic reform had yielded significant results for the benefit of all Yugoslavs, whatever the nation or national minority they belonged to. It was the wish of all in Yugoslavia to overcome the present period of political, social and economic difficulties in a democratic way and not in the manner advanced by the Albanian separatists. In conclusion, her delegation could make detailed and concrete information on the situation in the Autonomous Province of Kosovo and Metohija immediately available in writing to anyone interested.

The meeting rose at 9.05 p.m.